IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
SUMMARY SUIT NO.174 OF 2004

Bobcards Limited ..Plaintiff.
Vs.
Hashmi Naaz Ahmad ..Defendant.

...

Mr. Iqbal Panjwani for the Plaintiff.
None for the Defendant.

...

CORAM: **DR. D.Y. CHANDRACHUD, J.**
2nd April, 2007.

P.C. :

1. The suit has been instituted under Order 37 Rule 1 of the Code of Civil Procedure 1908 for the recovery of an amount of Rs.2,71,491.55 due on account of the usage of a credit card (Credit Card No. 4423 7800 0420 9019) extended by the Plaintiff to the Defendant. The Defendant has not entered appearance. In pursuance of a chamber order dated 19th December, 2005 a writ of summons has been served by pasting as well as by publication. Affidavits of service dated 25th April, 2006 and 28th April, 2006 in respect of the service of pasting and an affidavit dated 16th November, 2006 in respect of the service by publication have been filed. A further affidavit dated 31st July, 2006 has been filed, to the effect that the postal envelopes sent by registered post and under

certification of posting have been returned back as not claimed.

2. The Plaintiff has filed a compilation of the original documents consisting of :

(i) the application form;

(ii) the statement of account and

(iii) the notice of demand.

3. There was no reply to the notice of demand. The Defendant has been served with the Writ of Summons but has failed to enter appearance or to lodge any defence to the suit. The claim of the Plaintiff has been duly established on the basis of the evidence on the record. The Suit shall accordingly stand decreed in terms of prayer clause (a) with the modification that the Plaintiff shall be entitled to interest at the rate of 9% per annum from the date of the institution of the Suit until the date of the decree and at the same rate from the date of the decree until payment or realization.

Refund of Court Fees, if any, as per rules.